

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LENIER RENE AYERS,

Plaintiff,

v.

HENRY RICHARDS, *et al*,

Defendants.

Case No. C06-5264RBL-KLS

ORDER DENYING PLAINTIFF'S  
MOTION IN REQUEST OF  
STATE APPOINTED COUNSEL

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court upon plaintiff's filing of a motion in request of state appointed counsel. (Dkt. #24). Plaintiff has been granted *in forma pauperis* status in this case. After reviewing the motion and the balance of the record, the Court finds and ORDERS as follows:

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. While the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, it may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of plaintiff to articulate his claims *pro se* in light of the complexity


1 of the legal issues involved. Wilborn, 789 F.2d at 1331.

2 In his motion, plaintiff requests the Court appoint him counsel due to defendants' unfair advantage  
3 of experience in litigation, and his complete lack of knowledge and experience regarding the same. These  
4 reasons, however, are not particular to plaintiff, but apply in general to most *pro se* prisoners. Plaintiff,  
5 therefore, has failed to show exceptional circumstances exist in this case that would warrant appointment  
6 of counsel. In particular, he has not demonstrated a likelihood of success on the merits or that the legal  
7 issues in this case are so complex that he will be unable to articulate his claims *pro se*.

8 Accordingly, plaintiff's motion in request for state appointed counsel (Dkt. #24) hereby is  
9 DENIED.

10 The clerk is directed to send a copy of this Order to plaintiff.

11 DATED this 28th day of March, 2007.

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15 Karen L. Strombom  
16 United States Magistrate Judge  
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